

## **REMARKS/ARGUMENTS**

The final office action dated October 8, 2009 has been received and carefully considered. By this amendment, the specification, Figure 8, and claims 25, 33 and 34 are amended. Support for these amendments can be found on P3/Par36-38 and Figs. 1-3b and 5a-10b of the published application. After entry of this Amendment, claims 25-34 will be pending. In view of these amendments and the following remarks, Applicant respectfully requests reconsideration.

### **35 U.S.C. 112 Rejection**

The Office rejected claims 25-34 under 35 U.S.C. 112, second paragraph, as failing to comply with the written description requirement. Specifically, the Office argues that the specification fails to teach "an opening extending through a cutting tip." Applicant traverses those rejections.

Applicant respectfully directs the Examiner's attention to Figures 1-3b and 5a-10b, which clearly show an opening that extends through a beveled distal cutting tip 16 or 36. The opening is shown contiguous with the slot 18 in Figures 1 and 3a-3b, which extends from the sharpened tip or bevel 16 toward the hub (Pg8/L25-26; Pg9/L10-11). Further, Figure 8 illustrates a shaft having a proximal end with a first opening (38), and also clearly shows a distal end with a second opening extending through a beveled portion of a cutting tip 36.

Applicant amends paragraph 39 of the published application to expressly reference the second opening shown in Figure 8. Support for this amendment can be found on page 3, pars. 36 and 38, and Figures 1-3b and 5a-10b.

### **Drawings**

The Office objected to the drawings under 37 C.F.R 1.83(a) for failing to show the opening extending through the cutting tip. As discussed above, Applicant amends Figure 8 to expressly reference second opening 37 that extends through beveled tip 36, and thereby believes the objection to be overcome.

### **Objection to Claim 30**

The Office objected to claim 30 because the limitation "the substance" purportedly lacks antecedent basis. Applicant respectfully directs the Office's attention to the preamble of Claim 30, which provides antecedent basis for the limitation "the substance".

### **35 U.S.C. 102 Rejection (Shaw)**

The Office rejected claims 25, 26, 28, 30 and 32 under 35 U.S.C. 102(b) as being anticipated by Shaw (US 5261818). Applicant respectfully traverses those rejections.

Independent claim 25 requires the step of providing a shaft having a distal end with a second opening extending through a beveled cutting tip, and Shaw fails to teach this limitation. Rather, Shaw teaches a drill bit 10 having outlets 22 that are proximal to tip 14, which clearly do not extend through tip 14. (See abstract; C2/L32-34; and Figs. 1-2).

Thus, Applicant believes the objections to be overcome. In addition, claims 26, 28, 30 and 32 are allowable by virtue of their dependency on claim 25.

### **35 U.S.C. 103 Rejections (Shaw)**

The Office rejected claims 27 and 31 as being obvious over Shaw (US 5261818). Applicant respectfully traverses those rejections.

Claim 27 and 31 also require the step of providing a shaft having a distal end with a second opening extending through a beveled cutting tip, which Shaw fails to teach, suggest or motivate. As discussed above, Shaw contemplates that the openings are disposed proximal to tip 14. (See abstract; C2/L32-34; and Figs. 1-2). Thus, claims 27 and 31 are allowable by virtue of their dependency on claim 25, and Applicant believes the objection to be overcome.

### **35 U.S.C. 103 Rejections (Shaw in view of Pshenichny)**

The Office rejected claims 29, 33 and 34 as being obvious over Shaw (US 5261818) and Pshenichny (US 3750667). Applicant respectfully traverses those rejections for the reasons discussed above, and claims 29, 33 and 34 are allowable by virtue of their dependency on claim 25.

**Request For Allowance**

Claims 25-34 are pending in this application. The Applicant requests allowance of all pending claims.

Respectfully submitted,  
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Date: February 2, 2010

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